

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE BLUE CROSS BLUE SHIELD	:
ANTITRUST LITIGATION	:
MDL 2406	:
	:
	:
	: This document relates to
	: Subscriber Track cases

**MOTION FOR PRELIMINARY
APPROVAL OF PROPOSED CLASS SETTLEMENT**

COME NOW the Subscriber Class Representatives¹ (on behalf of themselves and the Settlement Classes) (“Subscriber Plaintiffs”) in the above-styled action and hereby move this Court for an order preliminarily approving the proposed class settlement of the Subscriber Plaintiffs’ claims against the Settling Defendants, finding that the Settlement Classes are likely to be certified at final approval, preliminarily approving the Plan of Distribution, and setting a Final Approval Hearing. This Motion is also supported by the Self-Funded Sub-Class Representative.

Subscriber Plaintiffs seek preliminary approval of their proposed settlement Damages Class, including a Self-Funded Sub-Class, and Injunctive Relief Class. These proposed Settlement Classes and other terms of the Settlement Agreement were agreed upon after several years of arm’s-length negotiations with the assistance of three highly respected mediators, including Special Master Edgar C. Gentle.

The Settlement Agreement is fair, reasonable, adequate, and likely to warrant final approval under the Eleventh Circuit’s long-standing class settlement fairness factors as well as the requirements of Fed. R. Civ. P. 23(e)(2). Moreover, the proposed Settlement Classes satisfy and

¹ Capitalized terms not otherwise defined herein shall have the meaning given them in the attached Settlement Agreement.

are certifiable under Fed. R. Civ. P. 23(a), (b)(2) and (b)(3). Finally, the proposed Plan of Distribution of settlement proceeds should be preliminarily approved because it is fair, adequate and reasonable.

In support of this Motion, Subscriber Plaintiffs submit herewith the Subscriber Plaintiffs' Memorandum of Law in Support of Motion for Preliminary Approval of Proposed Class Settlement along with the Settlement Agreement as Exhibit A; proposed orders granting preliminary and final approval of the settlement as Exhibits B and C, respectively; the proposed Plan of Distribution as Exhibit D; the Joint Declaration of Settlement Class Counsel as Exhibit E; the Declaration of Self-Funded Sub-Class Settlement Counsel as Exhibit F; the Declaration of Kenneth R. Feinberg as Exhibit G; the Declaration of Darrell Chodorow as Exhibit H; the Declaration of Daniel Rubinfeld as Exhibit I; the Declaration of Ariel Pakes as Exhibit J; and the Declaration of Special Master Edgar C. Gentle as Exhibit K. This Motion is also supported by Subscriber Plaintiffs' Motion for Approval of a Plan for Notice and Appointment of Claims Administrator, brief in support, and attached exhibits.

For these reasons, as well as those set forth in the supporting materials submitted herewith, Subscriber Plaintiffs' Motion should be granted, and the Court should enter a preliminary approval order in the form proposed.

Date: October 30, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2020, the foregoing Subscriber Plaintiffs' Motion for Preliminary Approval of Proposed Class Settlement was filed with the Clerk of the Court and served on counsel of record via ECF.

/s/ Michael D. Hausfeld
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